IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION NO. 5:04-CR-166-H

UNITI	ED STATES OF AMERICA,)	
)	
)	
)	
	V.)	
)	ORDER
)	ORDER
SEAN	FONTAE WHITLEY,)	
)	
	Defendant.)	
)	

This matter is before the court on limited remand from the Fourth Circuit Court of Appeals for the limited purpose of allowing this court to clarify its order partially granting appellant's motion for a sentencing reduction pursuant to § 404 of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 519 (2018).

Since the limited remand, defendant, through counsel, has filed two supplemental motions for reduction of sentence [DE #331 and #332] which this court has reviewed.

The court clarifies its prior order partially granting appellant's motion for a sentencing reduction by stating that the court fully understood the scope of its authority, including the authority to grant a sentence reduction despite the guideline range being unchanged. The court hereby clarifies that it declined not

to reduce defendant's term of imprisonment as an exercise of discretion, not a misunderstanding of the scope of authority.

This 17th day of April 2020.

Malcolm J. Howard

Senior United States District Judge

At Greenville, NC #26